

\*E-Filed 10/25/11\*

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

SUSAN PHAN (CABN 241637)  
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Facsimile: (415) 436-7234  
E-Mail: Susan.Phan@usdoj.gov

## Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 11-0298 RS  
Plaintiff, )  
v. )  
GILBERTO ANDRACA-CARDENAS, )  
Defendant. )  
\_\_\_\_\_  
**STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME UNDER 18 U.S.C. § 3161**

The defendant appeared for a status conference before this Court on October 4, 2011.

The defendant requested that this matter be continued to October 25, 2011. The Government did not object to the continuance. The parties have agreed to exclude the period of time between October 4, 2011 to October 25, from any time limits applicable under 18 U.S.C. § 3161. The parties represented that granting the exclusion would allow the reasonable time necessary for effective preparation and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that good cause exists, and that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18

1 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this agreement.

2 SO STIPULATED:

3 MELINDA HAAG  
4 United States Attorney

5  
6 DATED: October 25, 2011

\_\_\_\_\_  
7 /s/  
SUSAN PHAN  
Special Assistant U.S. Attorney

8  
9 DATED: October 25, 2011

\_\_\_\_\_  
10 /s/  
STEVEN KALAR  
Attorney for GILBERTO ANDRACA-CARDENAS

1 [PROPOSED] ORDER

2 For the reasons stated above at the October 4, 2011 status conference, the Court finds that  
3 the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from October  
4 4, 2011 to October 25, 2011 is warranted and that good cause exists, and the ends of justice  
5 served by the continuance outweigh the best interests of the public and the defendant in a speedy  
6 trial. 18 U.S.C. §3161(h)(7)(A).

7

8 IT IS SO ORDERED.

9

10 DATED: 10/25/11

11   
12 RICHARD SEEBORG  
13 United States District Judge

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28